IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FOURTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

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WRIT PETITION NO : 7820 of 2001

Between:

Donalad , S/o. Jacob Ebenezer,
C/o. Superintending Engineer(Commerce Section) A.P. Transco warangal.

..... PETITIONER

AND

1 The Superintending Engineer (Operation circle)
A.P. Transco Northen Power Distribution Company of A.P.Ltd.,
Warangal.
2 The Chief Engineer, A.P.Transco,Warangal Zone,
Warangal. Warangal Dist.
3 The Chairmen-cum-Predidenig Officer,
Industrial tribunal-cum-Labour Court Warangal. Warangal

Dist.

.....RESPONDENTS

ORDER:

The writ petition is filed by an unsuccessful claimant, against the award of the Industrial Tribunal-cum-Labour Court, Warangal dated 12.11.1993 in I.D.No.148 of 1991.

The petitioner claimed to have been employed by the respondents, as a typist, on daily wages from 19.02.1986, whereat he worked till 24.10.1991 on daily wages and was orally terminated from service. Aggrieved thereby, he filed the claim before the Industrial Tribunal under
Section 2-A(2) of the Industrial Disputes Act, 1947.

This claim was resisted by the respondents on the ground that there was no employer and employee relationship between the petitioner and the respondent-corporation, that the petitioner was undertaking typing work in the premises of the respondents'-corporation on a piece rate basis i.e. at the rate of Rs.1.00 per page for some time and Rs.1.25ps per page thereafter. There was no employment of the petitioner either on casual or regular basis against any available post of a typist in the respondent-corporation and as there was no further requirement even for engaging the petitioner's service on piece rate basis, no typing work was being entrusted to him. There was no termination of service. The substance of the respondents' defence before the Industrial Tribunal was that the petitioner was never employed by the respondents'-corporation and there existed no employer and employee nexus between the petitioner and the respondents-corporation. The Labour Court found in the impugned award, on the basis of the evidence on record, that the petitioner failed to adduce even an iota of evidence to establish that he was appointed by the respondent-corporation or had worked as a typist in the respondent corporation. The Labour Court also held that there was no evidence to show the relationship of employee and employer and accordingly rejected the petitioner's claim.

Except reiterating what was submitted before the Labour Court, nothing is

stated or established before this Court to show any employer and employee relationship between the respondent and petitioner, which would entitle the petitioner to any relief.

On a careful analysis of the award, this Court discerns no infirmity in the exercise of discretion by the Labour Court or in the application of the correct parameters of law, warranting interference in this writ petition. The writ petition is without merits and is accordingly dismissed. No costs.

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kvrm 14-09-2005